

REMARKS

Reconsideration of the above-referenced application in view of the above amendment, and of the following remarks, is respectfully requested.

Claims 18-22 are pending in this case. Claims 1-17 are cancelled herein and claims 18-22 are added herein to more completely cover that which Applicant regards as the invention.

The Examiner rejected claims 1, 5, 6, 9 and 10 under 35 U.S.C. § 102(e) as being anticipated by Ouellet et al. (U.S. 6,268,620). The Examiner rejected claims 1-3, and 5-10 under 35 U.S.C. § 102(e) as being anticipated by Burkhardt et al. (U.S. 6,259,149). The Examiner rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Burkhardt et al. (U.S. 6,259,149) in view of Huang et al. (U.S. 6,218,238). Claims 1-17 are cancelled.

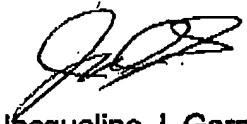
Applicant respectfully submits that newly added claim 18 is patentable over the references as there is no disclosure or suggestion in the references of parallel plate capacitor extending into and out of a plurality of recesses in the semiconductor layer. Ouellet teaches a non-planar capacitor that extends over a patterned dielectric (SiO₂) layer instead of into and out of recesses in a semiconductor layer, as required by the claim. Burkhardt teaches a non-planar capacitor formed in a single recess of a semiconductor layer. In contrast, the claim requires the capacitor extend into and out of a plurality of recesses. Accordingly, Applicant respectfully submits that claim 18 and the claims dependent thereon are patentable over the references.

In light of the above, Applicant respectfully requests withdrawal of the Examiner's rejections and allowance of claims 18-22. If the Examiner has any questions or other correspondence regarding this application, Applicant requests

that the Examiner contact Applicant's attorney at the below listed telephone number and address.

Texas Instruments Incorporated
P.O. Box 655474, M/S 3999
Dallas, TX 75265
PHONE: 214 532-9348
FAX: 972 917-4418

Respectfully submitted,



Jacqueline J. Garner
Reg. No. 38,144

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